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IN THE MATTER OF APPLICATION 17979)
FILED MAY 7, 1959 BY LYLE K. GROSS)
TO APPROPRIATE THE WATERS OF UNNAMED)
SPRINGS FOR IRRIGATION AND DOMESTIC)
PURPOSES IN NYE COUNTY, NEVADA)

R U L I N G

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Application 17979 was filed for 4.0 c.f.s. of the waters of Unnamed Springs located within SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 17 S., R. 50 E., for the irrigation of 160 acres of land within the NE $\frac{1}{4}$ Section 2, T. 18 S., R. 50 E., M.D.B.&M., and domestic purposes.

This application was filed in support of Homestead Land Application 050533; however, the land application is for the NW $\frac{1}{4}$ Section 2, T. 18 S., R. 50 E.

A protest to the granting of this application was filed on November 9, 1959, by Warren O. Wagner on grounds that there are no springs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 17 S., R. 50 E., and the applicant was applying for the waters of School Springs located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35 and the subject of Certificate 3907 owned by protestant.

An investigation in the matter of this application was made on June 22, 1961.

Application 17979 was filed for the waters of several small springs which do exist in the subdivision described, and flow in a southwesterly direction and commingle.

The place of use under this application is for different land than covered by the applicant's Homestead Land Application and he has no interest in the NE $\frac{1}{4}$ Section 2, T. 18 S., R. 50 E.

OPINION

It is the opinion of this office that to grant an application for use of waters on land that is not owned or controlled by the applicant would be detrimental to the orderly development of the area.

RULING

The protest to the granting of Application 17979 is herewith overruled, but the application is herewith denied on grounds that its granting would be detrimental to the public welfare.

Respectfully submitted,
Elmo J. DeRicco
ELMO J. DERICCO
State Engineer

Dated this 15th day of
March, 1963